IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 5448 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA Sd/-

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ? **1 to 5 NO**

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GULAMRASUL GAFURBHAI VOHARA - Applicant(s)
Versus
STATE OF GUJARAT & 3 - Respondent(s)

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Appearance :
MR RN GHOTRA for Applicant(s) : 1,MS MANSHI A MACWAN for Applicant(s) : 1,MS SUNEETA R SHUKLA for Applicant(s) : 1,
MR DIPEN DESAI ADDL PUBLIC PROSECUTOR for Respondent(s) : 1,
RULE NOT RECD BACK for Respondent(s) : 2 - 4.

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 20/07/2007

ORAL JUDGMENT :

1. Learned counsel for the petitioner fairly conceded that, the respondent-accused persons were released on bail on conditions and the

application of the petitioner for cancellation of bail was rejected by learned Additional Sessions Judge, Vadodara by order dated 26.4.2007. That latter order was not challenged in the present petition and, without that, challenge to the earlier order granting bail was not maintainable. Therefore, petition was sought to be withdrawn in the hope that trial may be expeditiously proceeded with in view of the statement made by learned counsel Mr.Khokhar that the respondent-accused persons will co-operate in expeditious conduct and conclusion of trial against them. Therefore, the petition is disposed as not pressed with the observation that the trial in Sessions Case No.162 of 2007 pending in the Court of learned Sessions Judge, Vadodara shall be conducted and concluded as expeditiously as practicable in accordance with law and, in case it is unduly delayed at the instance of or due to absence or non-cooperation of the accused persons, it will be open for the petitioner to apply afresh for cancellation of bail. Rule is discharged with no order as to costs.

Sd/-

(D.H.Waghela, J.)

(KMG Thilake)